

**Minutes**  
**Catawba County Board of Commissioners**  
**Regular Session, Tuesday, January 18, 7:00 P.M.**

**Charter Communications**

Rate Increase	760	1/18/05
---------------	-----	---------

**Board of Commissioners**

Special Meeting Schedule	762	1/18/05
--------------------------	-----	---------

**Catawba County Bar Association**

President – Debra Bechtel	765	1/18/05
---------------------------	-----	---------

**Catawba County Schools**

Land Purchase for Bandy's High School	764	1/18/05
---------------------------------------	-----	---------

**EMS**

Generators	761	1/18/05
------------	-----	---------

**GIS**

Orthophotography	764	1/18/05
------------------	-----	---------

**Jail**

Expansion Project	762	1/18/05
Preferred Alternates	762	1/18/05

**Newton-Conover Board of Education**

Land for Shuford Elementary School - Agreement	761	1/18/05
--	-----	---------

**Ordinance**

Noise Ordinance	764	1/18/05
-----------------	-----	---------

**Personnel**

Longevity Award	761	1/18/05
Assistance in Education	761	1/18/05

**Policy Supporting Education**

Revision	761	1/18/05
----------	-----	---------

**Public Health**

Dental Foundation	763	1/18/05
Catawba County Health Partners	763	1/18/05

**Public Hearing**

Foothill Trucking – Application Withdrawn	761	1/18/05
Amendment to Mountain View Small Area Plan – withdrawn	761	1/18/05

**Register of Deeds**

Adoption of Records Retention Schedule	761	1/18/05
--	-----	---------

**Sheriff**

Jail Expansion	762	1/18/05
Noise Ordinance	764	1/18/05

The Catawba County Board of Commissioners met in regular session on Tuesday, January 18, 2005, 7:00 p.m.

at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: N/A.

A quorum was present.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Joellen J. Daley, County Attorney Robert Oren Eades, Attorney Debra Bechtel, and County Clerk Barbara E. Morris.

1. Chair Barnes called the meeting to order at 7:06 p.m.
2. Commissioner Beatty led the Pledge of Allegiance to the Flag.
3. Invocation was offered by Chair Barnes.
4. Vice-Chair Hunsucker made a motion to approve the minutes from the regular and closed session of Monday, December 20, 2004 and Special Meeting with Boards of Education of Tuesday, January 4, 2005. The motion carried unanimously.
5. Recognition of Special Guests.  
Chair Barnes recognized the attendance of Sheriff Huffman.
6. Public Comment for items not on the agenda: None
7. Presentations.  
John McNeely, Operations Manager for Charter Communications in Western North Carolina, along with Charter's Marketing Manager Mark Edwards and Plant Technical Manager, Steve Chapell, came before the Board to address questions regarding Charter Communications recent rate increase. Chair Barnes asked that Mr. McNeely review the rate increase and the reasons for the increase and then the Commissioners would address the issues raised in the numerous phone calls they had received regarding this increase. Mr. McNeely said Charter customers had been recently notified in their January bills that there would be a rate increase of \$1.24 on the Expanded Basic level of service, taking effect on the February bill. This increase does not affect the lowest level service – Broadcast Basic. Chair Barnes asked the cost for that lowest level of service and Mr. McNeely said this fee was \$13.95. Commissioner Beatty clarified that if a customer had a certain program in effect for a certain number of months, the increase would not go into effect until that program was over. Mr. McNeely said the greatest number of customers are in a digital package and this package would not be affected by the rate increase. Commissioner Barger pointed out this was the second rate increase in two years and asked the justification for this. Mr. McNeely attributed rising operational costs, particularly programming costs, for the increases. The programming costs are expected to rise 14% year over year. Commissioner Barger asked if channels would be added and Mr. McNeely said there would be added channels and Commissioner Hunsucker questioned if these added channels were in the package that was going to be increased. Mr. McNeely replied that channels would not be added to that package in this coming year but channels had been added to the package in 2004. Chair Barnes clarified that the expected cost increases to Charter would be 14% annually and Mr. McNeely confirmed this and pointed out the rate increase at issue is 2.6%. He also said that satellite companies were also facing these increased programming costs and were raising rates even higher than Charter.  
Chair Barnes said the consistent complaints received by the Commissioners were service related. She noted that Charter's change to a centralized call center had resulted in County residents having great difficulty getting through and spending 30 minutes to an hour waiting to talk to a service representative. Mr. McNeely said he hoped that those waiting times had improved recently (December) after the centralized call center had changed from Louisville, KY to a virtual call center in Tennessee, West Virginia, Connecticut and Massachusetts. Commissioner Barger said he talked with a citizen who, less than two weeks ago, was connected with Connecticut and he waited 10-15 minutes to get an answer. Another citizen called to get service several times and he was sent to a voice-mail and then to a mailbox and the mailbox was full. The

consensus from telephone calls from citizens to the Commissioners was that the service was not what it should be for what they were paying. Mr. McNeely asked for the names and numbers of these people and he would personally address each complaint. Commissioner Barger replied the Board had expressed these concerns last year to another individual from Charter who was making a presentation and it took months to resolve some of the issues. He acknowledged that the Board doesn't have anything to do with setting the rates but he is concerned about the level of service and the quality of service that Charter is providing. He said the Board has been presented two rate increases in two years without a marked increase in quality or service from the company. Mr. McNeely said he respected Commissioner Barger's opinion but did not agree. He noted there was a failure in the call center over the past year and Charter has worked to fix that. He further stated Charter has done quite a few things to bring more and better service to the community. He said he hears very positive things about Charter. Commissioner Beatty asked if the company did a follow-up survey after installation or service and Mr. McNeely said they did this and Commissioner Beatty asked that those surveys be shared with the Board. Mr. McNeely agreed to do so. Commissioner Hunsucker said he had several calls and he has to wonder how many people in the community have these similar complaints. One person said he would not mind paying more if he had the ability to select the channels he wanted to watch. Mr. McNeely said a la carte services had been addressed by Congress and the FCC recently and they have found it to be not economically feasible.

Chair Barnes noted that this was a presentation only and the Board had no action it can take on this issue.

8. Public Hearings – Two public hearings were scheduled – 1) Proposed amendment to Mountain View Small Area Plan and 2) Rezoning request by Foothills Trucking – Due to the withdrawal of the Foothills Trucking application, neither of the public hearings were held.

9. Consent Agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

- a. Expenditure of \$69,000 to be used for generators at the Catawba, Propst and Sherrills Ford EMS bases.

Revenue

Expense

110-260060-620155 \$68,938

Hazardous Mitigation Funds

110-260060-985000

Other Equipment

\$68,938

- b. Series of revisions to the Personnel Code as well as the County's Policy Supporting Education. The first change is to alter the County's longevity system for employees effective February 1, 2005. For 30 years the County has had a system that recognizes longevity with the County starting at five years of service with a percentage of salary award. This resulted in people who served the same length of time at different salaries getting different amounts for the same length of service. The proposed change is to go to a flat rate amount effective February 1, 2005 for all employees hired after February 1, 2005. The second change in the Code is to require a B average for employees who are being assisted by the County in education related to their job. The third change is in the County's policy in supporting employees involved with the school systems. The County has had a Policy Supporting Education for 15-20 years. Since that time there has been a change in state law. When the County originally approved the policy it was agreed to match up to 4 hours that the employee would commit to be involved in parent-teacher conferences or tutoring. Since that time the General Assembly has come along with a requirement that employers give 4 hours a year per child – if you are the parent or guardian of the child for this school involvement. The change now includes this State provision and has taken out the use of County time for substitute teaching because that is a secondary employment issue.
- c. Agreement with the Newton-Conover Board of Education – The Board has signed agreements with the different school boards and CVCC when land has been purchased which indicates that when the land is no longer used for school purposes, it must be sold and the proceeds go back into the County's fund for future school projects. The agreement requiring approval is with Newton-Conover Board of Education for the land adjacent to Shuford Elementary School which was recently purchased.
- d. Adoption of the Register of Deed Records Retention and Disposition Schedule – This schedule should have been acted upon in August 2003 but was inadvertently not signed. Signing the schedule will allow the Register of Deeds to dispose of records to free up space in the office.

- e. Proposal for Special Meetings to be held by the Board this year to accomplish two things – 1) Special meetings for three of the Foresight discussions and 2) to have joint meetings with the municipal councils. County Manager Lundy suggested one change on the proposed schedule - on the Monday, March 21, 2005 meeting and the Monday, April 18, 2005 meeting – the proposal was to have these meetings from 2:00 to 5:00 p.m. but the Board doesn't meet until 7:00 p.m. on those dates. He suggested the Boards have their meetings from 3:00 to 6:00 p.m. which would allow them to have a very short dinner before the evening meeting starts at 7:00 p.m.

Chair Barnes noted the suggested amendment to item e. and Commissioner Hunsucker made a motion to approve the consent agenda with the proposed amendment. The motion carried unanimously.

## 10. DEPARTMENTAL REPORTS

### a. Jail:

- 1. John Hardy, Mental Health Director and Project Manager, presented an update on the Catawba County Detention Facility Expansion Project. Mr. Hardy recognized the individuals who had been working on the project – Sheriff David Huffman, Major Coy Reid, Captain Tom Lambert, Lieutenant Mike Hale, Rodney Miller, Debbie Anderson, Ernest Williams, Tim Watson and Tony Gortney. He said that these were a fantastic group of people who have worked a lot on this project.

The Board was updated on this project in March 2004 and the project is just about to go to bid. The project will add 176 beds to the existing 89 beds. The existing 89 beds will be converted into 83 beds to make way for the connector between the old and new facility. The final result will be 259 beds with future expansion for an additional 96 beds. This will be accomplished with approximately 74,000 sq. ft. with the anticipation of an additional wing added to the back of the building in approximately five years if needed.

Mr. Hardy pointed out the multiple levels of the proposed facility. The design moves the building down the slope of the land rather than bringing the land to level. This saves effort and cost in terms of either cutting out the slope or bringing in landfill.

The choice has been to go with a double bunk design. The material chosen for the outside surface is cut stone faced material to match the existing facility with some highlighting with darker stone.

The new building will have a sprinkler system and a smoke evacuation system. These systems are not in the existing jail.

In June of 2003 Steve Allen submitted a report with an estimate of \$16.7 million for the project. The estimates made in March 2004 were \$17.8. The current estimate is now \$ 17.8 despite the numerous utilities issues that have arisen since the project started. Also included in this price is a video visitation program which minimizes the amount of staff energy.

Mr. Hardy anticipates going to bid on February 8, 2005 and out for bid for five weeks. A pre-qualification process has been done with a letter sent out to bidders asking for qualifications to be submitted, indicating what type of project they have done of this size and whether they have done other detention facilities. Twelve responses have been received and as of the date of this meeting, 8 respondents have been qualified. Bids will be completed in March/April and presented to the Board at the end of April to accept the bids with an anticipated construction start date of April/May and an anticipated completion date of December 2006.

Chair Barnes said she was pleased to see the estimates remain within the amounts they had hoped for but the proof will be when the bids come in, especially with the cost and availability of steel and concrete. The structure is primarily steel and concrete with very little wood used in cabinets.

- 2. Debbie Anderson, Purchasing Agent, joined John Hardy to discuss preferred alternates for equipment in this construction project. Statute requires that specifications shall contain at least three brand names for a particular product. If the owner prefers a particular brand, that brand must be named as a preferred alternate to the three brand names. In this case, the preferred brand is Trane HVAC equipment. Trane is currently used in the County's new buildings, the maintenance staff works closely with Trane and are trained to repair and operate this equipment. In addition, maintenance staff use Trane software to maintain and regulate the County systems which reduces time and costs required to diagnose particular maintenance problems. It was requested that John Hardy, as Project Manager, be authorized to discuss any preferred alternates at the pre-

bid conference scheduled for March 1, 2005. Commissioner Barger made a motion to designate John Hardy, as Project Manager, to conduct the necessary hearings for the preferred alternate process. The motion carried unanimously.

Mr. Hardy added that presently there are 167 people in the jail in the 89 beds. The statistics over the last four months are that the jail averages 144 people per day. Mr. Hardy said he did not know how the County got away with 167 people in 89 beds – stacked them up, sleep in shifts, mattresses on the floor, etc. but it shows the importance of this expansion. It is clearly expensive but critical. He noted it was amazing to him, as an outsider who does not work in their environment, how well the Sheriff's staff manages under these conditions and said the Sheriff Department was extraordinary in how they handled this overcrowding. Chair Barnes said the County was fortunate for the management skills processed by the Sheriff Department and the work they did daily was appreciated.

Chair Barnes added Appointments at this point in the meeting. Commissioner Beatty appointed Kathy Ervin to Town of Catawba Planning and Zoning Board for a three year term. Commissioner Hunsucker appointed Dr. Synn to the Criminal Partnership Advisory Committee for an unexpired term which will end June 30, 2005 to replace Charles Cooper who has resigned.

Chair Barnes brought these appointments in the form of a motion. The motion carried unanimously.

b. Public Health:

1. Doug Urland, Health Director, presented a request to establish a private, non-profit 501(3C) corporation. The Board of Health approved this at their December 6, 2004 meeting. The Dental Foundation would assist in securing the necessary funds to construct a dental facility to serve 13,000+ children in the Catawba Valley area who do not have routine access to dental care. The capital campaign would be conducted in Spring 2005 with the goal of raising 1.5 million dollars. The Health Department staff will seek all available funding opportunities such as local, state and federal grants, private foundation and congressional and state appropriations in addition to the capital campaign. It was recommended that the Foundation be comprised of a Board of Directors (7) with the majority being Board of Health members from the Board of Health Dental Subcommittee. The capital campaign would have a Board of Directors and a Capital Campaign Executive Committee to have 5-10 additional members from throughout the community. They would oversee the foundation and the capital campaign and all related activities.

Commissioner Lail made a motion to approve the formation of the non-profit corporation. The motion carried unanimously.

2. Doug Urland, Health Director, presented a second request to endorse the Catawba County Health Partners objective to become a 501(C3) corporation. This designation is essential to the organization's ability to acquire and leverage funds for the purpose of improving the health and well-being of all the residents of the community. The Board of Health approved this at the January 3, 2005 meeting.

Dr. William Pekman has been elected Chair of this organization, Vice-chair is educator Susan Carpenter, Treasurer is attorney Kevin MacIntosh and Secretary is educator and Board of Health Member Susan Witherspoon. Three committees have been established to address the issues in the community and include The Obesity and Nutrition Committee, The Access to Care Committee and The Substance Abuse Committee. In addition, the Health Department has hired a Healthy Carolinians Health Education Coordinator, Maria Reese.

The real reason for this request to become a 501(C3) corporation is to leverage funds and access additional funds. This is a truly community wide initiative and needs continual community support. Chair Barnes asked a question that one might ask if they didn't have all the background, which is why is the County establishing two non-profit entities and Mr. Urland indicated that the dental foundation is for the specific task of generating funds to help build a dental facility. The Healthy Partners may encompass medical issue such as dental but encompasses a whole large broad area of health issues and health needs.

Commissioner Barger moved to support the adoption of the resolution to create the Healthy Carolinian non-profit corporation. The motion carried unanimously.

c. Budget:

1. Associate Superintendent Sherrill (standing in for Dr. Hart) and Budget Manager Judy Ikerd presented a Catawba County School's request for capital funds. The request is for funding to acquire five acres of land adjoining Bandy's High School. The purpose of the acreage is to support the Animal Science Program and for future additions. The Rink family had let the high school use this land for several years to support the Animal Science Program at no charge. Mr. Rink passed away and now Mrs. Rink is selling the property. The total land is 5 acres, fenced with three building that have electricity and water and there is a creek on the land. The purchase price is \$98,000. County Manager J. Thomas Lundy noted that in addition to the appropriation of the funds, there is an agreement between the Board of Commissioners and the Board of Education that has been used in similar land acquisition with Boards of Education in the past.

Appropriation of funds:

Increase:	420-750100-690100	Fund Balance Applied	\$98,000
Increase:	420-750100-863200-31103-1-01	Land Purchase	\$98,000

Chair Barnes pointed out that this is a piece of property that is currently being utilized for the Animal Science Program. Commissioner Beatty made a motion to adopt and authorize the signing of the agreement and suggested they move quickly upon this purchase upon approval. The motion carried unanimously.

d. GIS

1. Michelle Deese, GIS Coordinator, presented a request for authorization of a contract with Earthdata International for a fee of \$90,671 to update the County's aerial photography and also authorize the County Manager to execute the contract. The benefits of participating in the regional Joint-Orthophoto Project with 8 other counties have been explored and it has been determined this would be very beneficial. Substantial cost savings would be realized – more than a 40% savings from the last flyover done in 2002. Administrative costs will be saved by Centralina COG's coordination of the project. The flyover will take place this Spring, one year earlier than the County's next expected flyover. Because of the cost savings, there will be an upgrade to color orthophotography. The photos will be delivered in December 2005 and be available to users January 2006 and will be available for the County's next property reevaluation. The partnering municipalities will fund 24.1% of the project and grant money has been applied for from the state and it has been indicated that the county will be reimbursed for a portion of these monies. No budget revision is required as the funds are available in the capital project fund.

Commissioner Beatty moved to accept the contract and authorized the County Manager to execute the contract. The motion carried unanimously.

e. County Manager's Office:

1. Attorney Debra Bechtel and Sheriff Huffman presented the new proposed Noise Ordinance. Ms. Bechtel reminded the Commissioners about the citizen who came to meeting and asked that the existing noise ordinance be reviewed. Ms. Bechtel reviewed the ordinance, did a lot of research, looked at other counties noise ordinances and reviewed NC Court of Appeals cases. She met with the Sheriff a number of times in an effort to try to improve the noise ordinance. The hope is with the changes that have been made, there is a better tool for law enforcement to use out in the community to try to help people that run into noise issues. Highlights of the new ordinance is a definition of sound noise and sound amplification is added and there are more specific types of particular activities that are prohibited. There is a very detailed manner in which someone can obtain a permit in order to have a particular activity. There are fees associated with these permits and there is the initial penalty that has been added. Also added is that if someone has been convicted three times in five years, it rises up to a Class I misdemeanor. Commissioner Hunsucker had a question concerning farm equipment. This was not addressed in the new ordinance. Sheriff Huffman said they had tried to cover every area but that had not been covered. Commissioner Barger asked if the Sheriff's Department was prepared to enforce the ordinance and Sheriff Huffman said they would and the monetary part of the permits helps.

Commissioner Barger clarified that if you are going to have an outside band or party, you need a permit even if the event is going to conclude by 11:00 p.m. He further said he receives calls from neighbors about noise that comes from the speedway after midnight. Even though the noise penetrates into the county from a city location, the county can do very little because the noise originates from the city. Attorney Bechtel clarified that the Board has the authority to pass an ordinance that applies to county land, they cannot pass any kind of ordinance that has an affect in the city.

Attorney Bechtel suggested adding an exception for farm equipment and this was recommended by the Commissioner Hunsucker.

Attorney Bechtel stated the threat of criminal vs. civil penalty may be a good deterrent in this ordinance.

Mr. Dean Little and Mrs. Little, 5256 Hall Street, Conover, citizens with a noise problem, complained of the affect of car noises on the value of his property and his ability to sell his home.

Chair Barnes asked if Sheriff Huffman felt this new ordinance was stronger and more useful. Commissioner Barger talked about the problems with the blaring speakers in cars and believes those are the types of things citizens want to see regulated. He said if the ordinance was going to be passed, it need to be enforced. The Sheriff said he felt it could be enforced but also felt if there was support on the State level, it would be helpful.

Commissioner Hunsucker moved to adopt the ordinance, with the addition of the exception for farm equipment. The motion carried unanimously.

11. Attorneys' Report. None.

12. Manager's Report.

County Manager J. Thomas Lundy acknowledged Attorney Debra Bechtel was elected President of the Catawba County Bar Association which is a nice honor and tribute to the work she has done in the Bar Association. Chair Barnes said the Board was very proud of her. Debra said she was the first public attorney to hold the position. Commissioner Beatty said she had to take care of two little puppies and a dog she found on Friday afternoon and she took them to the animal shelter. She was pleasantly surprised at the improvements and she wanted to thank County Manager Lundy and his staff for making the improvements.

13. Adjournment.

Being there was no other business to come before the Board, Commissioner Hunsucker moved to adjourn. The motion carried unanimously.

---

Katherine W. Barnes  
Chair, Board of Commissioners

---

Barbara E. Morris  
County Clerk